

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ESTATE OF WILLIAM J. COX, by Angelia M. Cox, Administrator,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A.No. 06-278-SLR
	:	
THOMAS L. CARROLL, WARDEN, FIRST CORRECTIONAL MEDICAL – DELAWARE, LLC, COMMISSIONER STANLEY TAYLOR, JOYCE TALLEY, BUREAU CHIEF,	:	
	:	
Defendants.	:	
	:	

**ANSWER BY CARROLL & TALLEY**

Defendants Joyce Talley and Thomas Carroll, by and through their attorney, answer the complaint as follows:

1. This is a legal contention for which no response is required.
2. Answering defendants are without sufficient information to form a belief to the truth of the paragraph.
3. Admitted.
4. Admitted that First Correctional Medical- Delaware, LLC [“FCM”] was the health services contractor under a contract between it and the State of Delaware, Department of Correction signed on June 17, 2002. As to the balance of the paragraph, answering defendant is without sufficient information to form a belief to the truth of the paragraph.

5. Admitted that Stanley Taylor was the Commissioner of the Department of Correction and signed the health service contract on the Department's behalf with FCM on or about June 17, 2002. It is denied that Stanley Taylor entered into a contract with FCM. As to the balance of the paragraph the contract documents speak for themselves.

6. Admitted that Joyce Talley is the Bureau Chief for the Bureau of management services. The Bureau administers the health service contract and other contracts on behalf of the Department of Correction. The balance of the paragraph is denied.

7. Answering defendants are without sufficient information to form a belief to the truth of the paragraph.

8. Answering defendants are without sufficient information to form a belief to the truth of the paragraph.

9. Answering defendants are without sufficient information to form a belief to the truth of the paragraph.

10. Answering defendants are without sufficient information to form a belief to the truth of the paragraph.

11. Answering defendants are without sufficient information to form a belief to the truth of the paragraph.

12. Denied.

13. Denied.

14. Denied.

15. Denied.
16. Denied.
17. Please see response to No. 14.
18. Denied.
19. Denied.

**First defense**

20. The complaint, in whole or in part, fails to state claim for which relief could be granted.

**Second Defense**

21. The Court lacks subject matter jurisdiction pursuant to the Eleventh Amendment of the U.S. Constitution.

**Third Defense**

22. The Court lacks jurisdiction under Article III, § 2, clause 2 of the U.S. Constitution.

**Fourth Defense**

23. The complaint should be dismissed, in whole or in part, as plaintiff failed to properly exhaust his administrative remedies.

**Fifth Defense**

24. The complaint should be dismissed as service of process was improper or insufficient.

**Sixth Defense**

25. The Court lacks personal jurisdiction over defendants and the complaint should be dismissed.

**Seventh Defense**

26. The matter is in whole, or in part, time barred under the appropriate statute of limitation, or repose or by some administrative time requirement.

**Eighth Defense**

27. The answering defendants are entitled to official or legislative immunity and the matter should be dismissed.

**Ninth Defense**

28. Any state law claims are barred by sovereign immunity and/or subject to further limitations pursuant to 10 *Del.C.* § 4001 et seq.

WHEREFORE, defendants Joyce Talley and Thomas Carroll request the Court grant judgment for all that is just and proper, to include dismissal of this suit with plaintiff to pay all costs, including attorney fees pursuant to 42 USC § 1988.

/s/ Marc P. Niedzielski  
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Attorney for Talley and Carroll

DATED: February 23, 2007

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ESTATE OF WILLIAM J. COX,	:	
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THOMAS L. CARROLL, et al.,	:	
	:	
Defendants.	:	
	:	

**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on the date indicated I electronically served a copy of the attached document on the following:

Jeffrey K. Bartels, Esquire  
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Wilmington, DE 19804  
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/s/ Marc P. Niedzielski  
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Attorney for Talley and Carroll

DATED: February 23, 2007